

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RONALD M. BAUGH,

Plaintiff,

v.

ERIC HOLDER, *et al*,

Defendants.

Case No. 3:13-cv-00561-ST

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Janice Stewart issued Findings and Recommendation in this case on April 21, 2014. Dkt. 36. Judge Stewart recommended that Plaintiff Ronald Baugh's Request for Certification and Mailing of Disposition Order (Dkt. 33) be denied.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

Mr. Baugh filed an objection on June 9, 2014. Dkt. 44. In his 137 page objection, Mr. Baugh argues (1) that the "magistrate's recommendation is fatally deficient because it does

not contain statements of complaint facts that identify ‘factual fantasies’ that do not exist in the real world”; (2) that the “magistrate recommendation is fatally flawed” because it does not address the “propriety of factual frivolousness ruling”; (3) that the “magistrate recommendation errs in claiming subject matter jurisdiction present because U.S. Attorney removed complaint pursuant to 28 U.S.C. 2679”; and (4) that the “magistrate recommendation contention that the complaint fails to state a claim is error.” Dkt. 44. The Court has reviewed *de novo* those portions of Judge Stewart’s Findings and Recommendation to which Mr. Baugh has objected, as well as Mr. Baugh’s objections. The Court agrees with Judge Stewart’s reasoning regarding the findings objected to by Mr. Baugh and ADOPTS those portions of the Findings and Recommendation.

For those portions of a magistrate’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report[.]”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate’s recommendations for “clear error on the face of the record.”

For those portions of Judge Stewart’s Findings and Recommendation to which neither party has objected, this Court follows the recommendation of the Advisory Committee and reviews those matters for clear error on the face of the record. No such error is apparent.

The Court **ADOPTS** Judge Stewart's Findings and Recommendation, Dkt. 36.

Mr. Baugh's Request for Certification and Mailing of Disposition Order (Dkt. 33) is DENIED.

The Court further finds that any appeal from this Order would not be taken in good faith and Plaintiff's in forma pauperis status should be revoked pursuant to 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

DATED this 18th day of July, 2014.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge